



CITY OF MEMPHIS

COUNCIL AGENDA

November 18, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (November 4, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

1. PRESENTATION of the 2008 Humanitarian Award. (Held from 11/4)

PRESENTATIONS AND RECOGNITION OF VISITORS

2. RESOLUTION recognizing Charlie Yonkers as the 2008 TLPA Taxicab Driver of the year.

Collins

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving a planned development beginning at the southern terminus of Cobb Road; +635.06 feet south of U.S. Highway 64 containing 132.15 acres in the Grays Creek Planned Development 3rd Amendment. (Held from 10/21)

Hedgepeth

Case No. PD 08-314

Applicant: South 64 Joint Venture (Terry Edwards)
Solomito Land Planning – Brenda Solomito – Representative

Request: Revise Areas C & D to permit a maximum of 336 apartment units
in 42 buildings

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

141 NOTICES MAILED ON OCTOBER 10, 2008

4. RESOLUTION approving a street/alley closure beginning on the south side of Washington Avenue; approximately ± 100 feet west of Watkins Street, containing 1,781 square feet in the Multiple Family Residential (R-MH) District.

Hedgepeth

Case No. SAC 08-601

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

13 NOTICES MAILED ON NOVEMBER 7, 2008

5. RESOLUTION approving a street/alley closure beginning on the south side of Washington Avenue; approximately 130 feet east of Cleveland Street, containing 2,260 square feet in the Multiple Family Residential (R-MH) District and Highway Commercial (C-H) District.

Hedgepeth

Case No. SAC 08-602

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

18 NOTICES MAILED ON NOVEMBER 7, 2008

6. RESOLUTION approving a street/alley closure at **Segment 1)** Beginning 90 feet east of Cleveland Street; 208.23 feet north of Court Avenue, extending westerly 476.50 feet to the east side of Watkins Street; and **Segment 2)** Beginning 208 feet north of Court Avenue on the east side of Watkins Street and extending westerly 646 feet to McNeil Street, containing 7,062 square feet in the Multiple Family Residential (R-MH) District.

Hedgepeth

Case No. SAC 08-603

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

46 NOTICES MAILED ON NOVEMBER 7, 2008

7. RESOLUTION approving a street/alley closure beginning on the west side of McNeil Street; 173 feet south of Poplar Avenue extending westerly 465 feet, containing 21,883 square feet in the Multiple Family Residential (R-MH) District.

Hedgepeth

Case No. SAC 08-604

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

25 NOTICES MAILED ON NOVEMBER 7, 2008

8. RESOLUTION approving a street/alley closure located between Watkins Street and McNeil Street, containing 32,321 square feet in the Multiple Family Residential (R-MH) District.

Hedgepeth

Case No. SAC 08-605

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

26 NOTICES MAILED ON NOVEMBER 7, 2008

9. RESOLUTION approving a street/alley closure at **Segment 1)** Beginning 187.5 feet north of Jefferson Avenue on the west side of McNeil Street and extending west to Watkins Street; and **Segment 2)** Beginning at a distance 100 feet west of the west side of Watkins Street and 14 feet east of the east side of Cleveland Street, 187.50 feet north of Jefferson Avenue, containing 6,233 square feet in the Multiple Family Residential (R-MH) District.

Hedgepeth

Case No. SAC 08-606

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

39 NOTICES MAILED ON NOVEMBER 7, 2008

10. RESOLUTION approving a special use permit located on the north side of Union Avenue at Myrtle Street, containing 1.001 acre in the Central Business (CBD) District/Medical Overlay (MO) District.

Hedgepeth

Case No. SUP 08-225

Applicant: American Cancer Society
Michael Calhoun – Representative

Request: Boarding House (Hope Lodge)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

36 NOTICES MAILED ON NOVEMBER 7, 2008

DIVISION OF PLANNING & DEVELOPMENT (None)

ZONING ORDINANCE – THIRD AND FINAL READING

11. ORDINANCE rezoning the west side of Herbert Road; \pm 40 feet south of Fischer Steel Road, containing 9.55 acres in the Vacant land area ~ Heavy Industrial (I-H) District, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5282

Case No. Z 08-110

Applicant: Shelby County Government
Shelby County Government – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

29 NOTICES MAILED ON NOVEMBER 7, 2008



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

12. **ORDINANCE** adopting the 2003 edition of the International Code Council Residential Building Code and providing for its implementation by amendment to the Memphis and Shelby County Building Code and to establish an effective date, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5285

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

13. **ORDINANCE** rezoning the south side of Holmes Road, 991 feet east of Lamar Avenue (U.S. Highway 78), containing 3.490 acres in the Agricultural (AG) District, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5283

Case No. Z 08-109

Applicant: Couch Realty Investments, LLC
Dianne Baldi, Construction Eng. Services, Inc. – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

14. **ORDINANCE** to amend zoning regulations to adopt definitions for Financial Services, Payday Loan Establishments and Title Loan Establishments and to create new use categories for Payday Loan Establishments and Title Loan Establishments and to establish location and distance separation requirements for Payday and Title Loan Establishments, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5284

Case No. ZTA 08-001cc

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

15. RESOLUTION approving final plat of LEGENDS PARK P.D., PHASE 1.
Case No. PD 07-338
Contract No. CR-5123

Resolution approves the final plat located at the northwest corner of Poplar and Decatur. Cost of the required improvements to be borne by the agency and the contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION approving final plat of PLAYHOUSE ON THE SQUARE.
Case No. BOA 07-016
Contract No. CR-5124

Resolution approves the final plat located on the northeast corner of Union Avenue and Cooper Street. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION approving final plat of NATIONAL RENAL ALLIANCE DIALYSIS CENTER MEMPHIS SOUTH, STREET and DRAINAGE IMPROVEMENTS.
Contract No. CR-5125

Resolution approves the final plat located east of Elvis Presley Boulevard, south of East Raines Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION approving final plat of SHELBY DRIVE-GERMANTOWN ROAD P.D., 2ND AMENDMENT, PHASE 2.
Case No. PD 05-353cc
Contract No. CR-5126

Resolution approves the final plat located on the north side of Shelby Drive, east of Glen Eagles. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION approving final plat of WINCHESTER HACKS CROSS ROAD P.D.,
5TH AMENDMENT, PHASE 38.

Case No. PD 06-342cc

Contract No. CR-5127

Resolution approves the final plat located between State Route 385 and Centennial Drive. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)



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MLGW FISCAL CONSENT

20. RESOLUTION approving Change No. 4 to Contract No. 10948, Repair of Residential Gas Meters, with Tri-State Meter and Regulator Service in the funded amount of \$304,171.95. (This change renews the contract for the fourth and final renewal term, December 3, 2008 to December 2, 2009.)
21. RESOLUTION approving Change No. 1 to Contract No. 11229, Professional Engineering Services, with Allen and Hoshall Engineers, in the amount of \$157,500.000. (This change increases the contract value until the end of the current term in the amount of \$26,500.00 and renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009, in the amount of \$131,000.00.)
22. RESOLUTION awarding contract for Quest software to Insight Public Sector in the amount of \$92,666.67.
23. RESOLUTION awarding contract for virtual tape library system to Perspective, Inc. in the amount of \$247,823.00.
24. RESOLUTION awarding 12-month contract for bulk oil to Quality Petroleum, Inc. in the amount of \$91,800.00 (approximately).
25. RESOLUTION approving an agreement between MLGW and the U. S. Green Building Council (USGBC) Memphis Chapter in the amount of \$75,000.00 to fund a Leadership in Energy and Environmental Design (LEED) grant. (The MLGW Board approved this resolution subject to the addition of a footnote regarding their concerns as to the diversity of the USGBC Steering Committee. This seven member committee is currently made up of four white males and three white females.)
26. RESOLUTION giving contract authority to MLGW's General Counsel to pay a claims settlement.



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REGULAR AGENDA

GENERAL ORDINANCE – THIRD AND FINAL READING (None)

ENGINEERING DIVISION

27. RESOLUTION accepting grant funds in the amount of \$678,000.00 from the Tennessee Fast Track Infrastructure Development Program (FIDP) for the Riviana Foods, Inc. FIDP Grant to be used to design and construct 3,280 track feet of rail for loading and shipping for the company's planned expansion of its manufacturing and distribution facility in the Memphis Renewal Community at 615 Bodley Avenue East. Resolution also amends FY 2009 CIP Budget to establish and appropriate grant funds in the amount of \$678,000.00 and matching funds in the amount of \$1,322,000.00 for a total of \$2,000,000.00.

Collins

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION amending the Fiscal Year 2009 Special Revenue Fund Budget by accepting and appropriating \$40,000.00 in Federal Grant Funds in the Division of Engineering for transportation planning activities.

Morrison

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION

29. RESOLUTION appropriating \$500,000.00 funded by G.O. Bonds General, chargeable to the FY 2009 Capital Improvement Budget for the purchase of handheld devices for Community Enhancement, to provide the ability to capture data in the field and to transmit back to the central office. Project Number IS01058.

Collins

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION accepting grant funds in the amount of Twenty Eight Thousand Four Hundred Twenty Four Dollars (\$28,424.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Rapid Response Fund.

Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

31. RESOLUTION appropriating \$655,667.00 in G.O. Bonds for the Fiscal Year 2009 CIP Budget to purchase one (1) aerial truck for the Division of Fire Services for a total appropriation of \$655,667.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

32. RESOLUTION appropriating \$500,000.00 in other cost, funded by G.O. Bonds General in GS01001, City Hall Improvements for the security upgrade to City Hall in order to provide a healthy and safe environment for employees and citizens.

Morrison

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION appropriating \$200,000.00 in contract construction, funded by G.O. Bonds General in GS01001, City Hall Improvements for renovations and equipment upgrades to City Hall in order to provide a healthy and safe environment for employees and citizens.

Morrison

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

34. RESOLUTION transferring a previous allocation and appropriation of \$310,000.00 funded by G.O. Bonds with CD01013, HCD-Firestone Project, from Land Acquisition to GS01024, General Services – Vehicle Shop Project, for acquisition related expenses.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

35. RESOLUTION approving transfer of funds in the amount of \$28,540,672.71 from the MLGW Common Fund to the MLGW Other Post Employment Benefits Trust (OPEB).

Ware

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION approving actuarial funding to the MLGW Retirement and Pension Fund for the 2008 Plan Year.

Ware

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION approving amendment to the MLGW Retirement and Pension System, as amended and restated effective January 1, 2001 (the "Plan"), increasing the minimum benefit multiplier.

Ware

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION approving the 2009 Electric, Gas and Water Operations and Capital Budgets.

Ware

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION amending the FY 2009 O&M Budget to appropriate up to \$2.5 million from the City's surplus to provide utility assistance to customers of Memphis Light, Gas and Water who meet the criteria set forth above and who are approved by the Council to receive Utility Assistance Program funds.

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

40. RESOLUTION approving completion of plans and specifications and taking of bids for City Park Rehab and Maintenance, CIP Project Number PK07092, at an estimated construction cost of \$408,000.00 funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION seeks approval to obtain competitive bids and spend the remaining \$10,636.00 in appropriated construction funds to replace the carpet and perform other maintenance work to the clubhouse at the Links of Audubon.

Strickland

Council did include CIP Project Number PK06003, Audubon Golf Storage Barn as part of the FY 2007 Capital Improvement Program

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

42. RESOLUTION accepting grant funds in the amount of \$692,000.00 from the State of Tennessee Department of Military – Tennessee Emergency Management Agency FY 2007 Buffer Zone Protection Program (BZZP) Grant Program to support the implementation of Buffer Zone Plans (BZPs) outside the perimeter of identified critical infrastructure/key resource sites. These plans are intended to develop effective preventive and protective measures that make it more difficult for terrorists to conduct surveillance or launch attacks within the immediate vicinity of high priority critical infrastructure targets. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds for FY 2009.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION accepting grant funds from the Shelby County District Attorney General's Office for FY 2008 Project Safe Neighborhoods (PSN) Initiative in the amount of \$72,418.00. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds for FY 2009.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$20,000.00. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds for FY 2009.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$109,074.03. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds for FY 2009.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$158,847.19. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds for FY 2009.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$777,698.24. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds for FY 2009.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION to allow Police Officers to reside within 20 miles of the Shelby County Line.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

49. RESOLUTION appropriating \$2,592,516.00 funded by G.O. Bonds General for Resurface of Streets 2009 – Group 2, Project Number PW011191 for a construction contract with Lehman Roberts Co.

Morrison

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

50. RESOLUTION amending the Fiscal Year 2009 O&M Budget to appropriate a one-time, gratuitous, non-recurring appropriation of \$2.4 million for Memphis City Schools to assist with the funding needs of Memphis Literacy Corp and the Summer Reading Clinic. (Held from 11/4)

Halbert

ACTION REQUESTED: Adopt the resolution

51. SELECTION of the 2009 Memphis City Council Chairman.

Lowery

52. SELECTION of the 2009 Memphis City Council Vice Chairman.

Lowery

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

53. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, extending the Franchise Ordinance, as amended, through June 16, 2009, up for F I R ST reading.

Consent

Ordinance No. 5286

ACTION REQUESTED: Adopt the ordinance on First reading

54. **ORDINANCE** to amend previous Ordinance No. 4388, codified as City Code, Title 6, Chapter 6-92, Section 6-92-1, ET SEQ., so as to revise Section 6-92-11, Subsection (A) to allow said Title 6, Chapter 6-92 to remain in full and effect until June 30, 2009, up for F I R S T reading.

Consent

Ordinance No. 5287

ACTION REQUESTED: Adopt the ordinance on First reading

55. **ORDINANCE** to establish Meeting Dates for City Council Meetings in 2009, up for F I R S T reading.

Consent

Ordinance No. 5288

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. & 2 – Approved
3. Dropped
4. Through 10 – Approved
11. Approved, as amended
12. Through 38 – Approved
39. Approved, as amended
40. Through 47 – Approved
48. Failed
49. Approved
50. Held until December 2, 2008
51. Through 55 – Approved

ACTION TAKEN ON THE MINUTES OF NOVEMBER 4, 2008 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEM#39 FROM TONIGHT'S MEETING

Approved